

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ANDREA TANTAROS,

Petitioner,

-against-

Case No. 1-19-cv-7131 (ALC)

FOX NEWS CHANNEL, LLC, ET AL.,

Respondents.

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**PETITIONER'S MOTION TO STAY SCHEDULING ORDER**

Petitioner, through her undersigned attorney, hereby files this motion under Rule 7 (b) of the Federal Rules of Civil Procedure to stay this Court's order entered on April 27, 2020 setting a briefing schedule for Respondent's anticipated motion to dismiss, and, deferring ruling on petitioner's motion to certify this Court's federal subject matter jurisdiction order entered on February 2, 2020 for interlocutory review under 28 U.S.C. 1292 (b) despite the fact that the issue was fully briefed as of March 24, 2020 and will become moot if this Court rules on the motion to dismiss.

A stay is requested because Petitioner has filed a writ of mandamus in the United States Court of Appeals for the Second Circuit sub. nom. In re: Andrea K. Tantaros v. Fox News Channel, LLC et al., Case No. 20-1606, challenging this Court's subject matter jurisdiction. Petitioner has been forced into this extraordinary avenue of redress because this Court has declined to rule on her motion to certify which was ready for decision on March 24, 2020. Petitioner is seeking a stay while mandamus in the United States Court of Appeals is sought to avoid indefinite delay, time, and resources litigating an issue over which this Court has no subject matter jurisdiction. Moreover, neither Respondents nor this Court will be prejudiced by

a stay. This case has moved with more than ample leisure since Respondents' Notice of Removal filed on July 30, 2019.

Respondents have informed Petitioner they oppose this stay motion.

For the reasons set forth above, Petitioner's motion to stay until her mandamus petition in the Court of Appeals has been decided should be granted.

Respectfully submitted

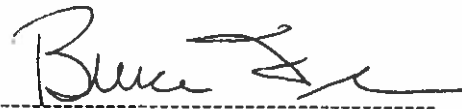
/s/ Bruce Fein

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Date: May 22, 2020

CERTIFICATE OF SERVICE

I hereby certify that on this 22<sup>nd</sup> day of May, 2020, I caused a true and correct copy of the foregoing to be electronically filed using the CM/ECF system to which all parties to the case are registered users.

A handwritten signature in black ink, appearing to read "Bruce Fein", is written over a horizontal dashed line.

Bruce Fein